IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.954 OF 2006

Shri Panchashil @ Sagar Ramchandra
Jain Jangale ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri D.C.Mishra for the Applicant.

Shri A.S.Shitole, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 22, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Applicant. The conviction of the Applicant is for offence punishable under section 376 of the Indian Penal Code. The substantive sentence is of seven years. This court after admission of the Appeal granted bail in favour of the Applicant. The bail was granted on the footing that during the pendency of the trial, the Applicant has not misused the liberty granted to him. On the basis of letter dated 22nd March, 2006 sent by the husband of the prosecutrix, the Appeal was placed on board on 20th April, 2006. Thereafter, an affidavit was filed by the concerned police officer supporting the allegations made in the letter referred to above. Therefore, by order dated

20th June, 2006 this court directed the State to file an Application for cancellation of bail. The said Application was placed before this court. On 13th July, 2006 this court directed that notice of the said Application should be served to Advocate appearing for the Applicant. Notice was accordingly served. As none appeared for the Applicant, by order dated 03rd August, 2006 this court directed the State of serve a fresh notice to the Applicant. Accordingly, a fresh notice was served and acknowledgment of the Applicant was produced alongwith affidavit of service. By order dated 17th August, 2006, passed in Criminal Application No.665 of 2006, this court cancelled the bail granted to the Applicant. Therefore, this fresh application for bail.

2. The learned Advocate for the Applicant submitted that on 17th August, 2006 while cancelling the bail, the Applicant could not be heard. He, therefore, submitted that considering the merit of the case, the Applicant deserves to be enlarged on bail.

3. The Application for cancellation of bail was taken up only after notice thereof was served to the Advocate for the Applicant and to the Applicant. The

Application for cancellation of bail was filed on the basis of a complaint made by the husband of the prosecutrix regarding the threats given by the Applicant to the prosecutrix. After making necessary investigation, the concerned police officer filed an affidavit in support of the complaint made by the husband of the prosecutrix in the letter addressed to the Chief Justice of this court. After being satisfied that the Applicant has misused the liberty granted by giving threats to the prosecutrix, bail has been cancelled.

4. Therefore, no case is made out for grant of bail. The Application is rejected. Liberty to file private paper-book. Hearing of the Appeal is expedited.

JUDGE